

January 13, 2010

**Via Electronic Filing**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Notice of *Ex Parte* Conference  
Telecommunications Relay Services and Speech-to-Speech Services for  
Individuals with Hearing and Speech Disabilities  
E911 Requirements for IP-Enhanced Service Providers  
CC Docket 03-123; WC Docket 05-196; CC Docket No. 98-67**

Dear Ms. Dortch:

On January 12, 2010, the undersigned had an *ex parte* conference with Mark Stone, Deputy Bureau Chief, Consumer and Government Affairs Bureau (“CGB”).

We discussed the interest of the National Association of the Deaf (“NAD”), Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (“CCASDHH”), Association of Late-Deafened Adults, Inc. (“ALDA”), Hearing Loss Association of America (“HLAA”), and American Association of Deaf-Blind (“AADB”) (collectively, the “Consumer Groups”), in working with the Commission to address the following issues related to video relay services (“VRS”).

**Toll Free Numbers**

The development of Commission policies on routing of Internet-based relay service calls using toll free numbers during the four-month waiver, granted on December 4, 2009 (DA 09-2543), of the *Toll Free Clarification Public Notice* (DA 09-1787) issued on August 11, 2009.

The NAD will be publishing information about this issue, explaining why 10-digit numbers are superior to 800 numbers, and encouraging consumers to use their 10-digit numbers and discontinue use of 800 numbers. More importantly, 800 numbers for Internet-based TRS users must function in the same manner as business and personal 800

numbers used by telephone users. Toll free 800 numbers must be fully interoperable – all calls to an 800 number must be connected either directly or through a relay service.

To ensure effective routing, Internet-based TRS user 800 numbers must be maintained in the Internet-based TRS number database.

With less than three months remaining of the temporary four-month waiver, I urged the prompt issuance of an NPRM or other means for stakeholders to comment and provide input into the development of toll free 800 number policies.

### **VRS Reform, Rate Methodology, and Rates**

Following up on the Workshop on VRS Reform held on December 17, 2009, I expressed an expectation and desire for the Commission to conduct additional workshops to obtain input from VRS providers and interpreters. I noted that there may be tension between these two groups of stakeholders because of existing employer/employee relationships, but that interpreter input could also be obtained through professional and other associations and organizations, such as the Registry of Interpreters for the Deaf (“RID”).

Consumer Groups have long advocated for issuance of a new NPRM for input on VRS rate methodologies, for a follow up NPRM on any proposed methodology or methodologies, and for greater transparency in the rate setting process.

With the new rate cycle beginning on July 1, 2010, it may not be possible to host additional workshops before issuing an NPRM, but we nonetheless urge the Commission to host such additional opportunities for stakeholder input.

### **Consumer Complaints about Blocked VRS Calls**

We have learned that some consumer VRS calls are not being connected. For example, calls made to Blackberry and T-Mobile technical support services, calls made to government agencies that provide recorded information, calls made to telephone conference service numbers, and others.

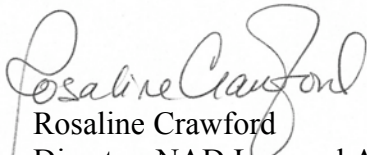
We have also learned that some VRS providers are not connecting every VRS call because NECA is withholding payment for certain calls: calls that are connected to automated call response or IVR systems or other recorded communication/information; multiple calls from a single VP number; multiple calls to a single telephone number (i.e., to T-Mobile technical assistance during the recent service outage); and other types of calls. These NECA payment withholdings amount to millions of dollars and have languished, without resolution, for months. Some VRS providers are unable financially to continue providing service for calls that NECA refuses to pay for.

Not connecting VRS calls is inconsistent with section 64.604(a)(3) of the Commission's rules, hurts consumers and is not functionally equivalent to the communication access that telephone users enjoy. **Our position is that VRS calls to a telephone user's number must be permitted, connected, and reimbursed by the TRS Fund**, unless there is clear and unequivocal evidence of fraud against the VRS program. NECA should not be allowed to deny reimbursement for VRS calls based on assumptions that those calls are not legitimate. We urge the FCC to issue an NPRM, to promote transparency and ensure stakeholder input, before the Commission takes any action which may limit or restrict VRS calls.

We cannot wait for more consumers to be denied the ability to place a VRS call before we take action. Instead, we urge the FCC:

- quickly resolve any VRS payment withholding disputes by instructing NECA to release the payments until a rulemaking about permitted calls is completed;
- take immediate action to ensure that VRS providers continue to permit and connect VRS calls made to a telephone user's number; and
- issue an NPRM, to promote transparency and ensure stakeholder input, before the Commission takes any action which may limit or restrict VRS calls.

Sincerely,



Rosaline Crawford  
Director, NAD Law and Advocacy Center

cc (by e-mail): Mark Stone  
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